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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/073,204	02/13/2002	Takaaki Namba	2002_0230A	5300
52349 7590 03/03/2009 WENDEROTH, LIND & PONACK L.L.P. 1030 15th Street, N.W. Suite 400 East Washington, DC 20005-1503				
EXAMINER				
POND, ROBERT M				
ART UNIT		PAPER NUMBER		
3625				
MAIL DATE		DELIVERY MODE		
03/03/2009		PAPER		

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

# Office Action Summary

**Application No.**

10/073,204

**Applicant(s)**

NAMBA ET AL.

**Examiner**

Robert M. Pond

**Art Unit**

3625

**Period for Reply** -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 09 October 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 48-52 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 48, 50 and 51 is/are allowed.
- 6) ☒ Claim(s) 49 and 52 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-8508)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***Response to Arguments***

Applicant's arguments, see Remarks, filed 16 November 2007, with respect to claims 48, 50 and 51 have been fully considered and are persuasive. The rejection of claims 48, 50 and 51 has been withdrawn.

Applicant's arguments filed 09 October 2008 have been fully considered but they are not persuasive. The rejection under Ginter is reinstated for claims 49 and 52. The Examiner is suggesting the Applicant consider scheduling a telephone interview for further discussion pertaining to claims 49 and 52.

### ***Allowable Subject Matter***

Subject matter found in claims 48, 50 and 51 is determined to be allowable.

### ***Claim Rejections - 35 USC § 102***

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

**Claim 49 and 52 are rejected under 35 USC 102(b) as being anticipated by Ginter (Paper #20070705, US 5,910,987).**

Ginter teaches all the limitations of claims 49 and 52. For example, Ginter discloses secure content distribution system using secure content containers

(see at least abstract; Fig. 1 (100); Fig. 2 (102, 106, 112, 116); col. 2, line 24 through col. 47, line 62). Ginter discloses exchanging content between content creators, distribution management computers, and content users requesting content download and making payment. A secure content container includes rules and permission and structures necessary to permit the content container to circulate along a communication network as a traveling object. A traveling object can be acquired by a second user terminal and redistributed to a first user terminal and subsequently passed along to a third user terminal (see at least Fig. 81; col. 128, line 38-col. 131, line 57). Ginter further discloses a VDE rights distributor that manages rules and control associated with content. See at least Fig. 2 (106): col. 53, line 36-col. 55, line 46. The rights distributor or equivalent further provides:

- managing copyright management information; VDE rights distributor. See at least Fig. 2 (106); col. 59, line 53-col. 60, line 5; col. 266, line 33-col. 267, line 23; col. 300, line 63-col. 301, line 60.
- Managing rights; VDE rights distributor. See at least Fig. 2 (106);
- managing payment; financial clearinghouse and VDE administration. Fig. 2 (116).
- updating usage; col. 181, line 13-col. 182, line 16; col. 236, line 55-56; col. 262, lines 11-40; col. 289, lines 5-11; col. 289, line 57-col. 290, line 20; col. 298, line 41-col. 299, line 7.

- updating payment: col. 181, line 13-col. 182, line 16; col. 236, line 55-56; col. 262, lines 11-40; col. 289, lines 5-11; col. 289, line 57-col. 290, line 20; col. 298, line 41-col. 299, line 7.

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Robert M. Pond whose telephone number is 571-272-6760. The examiner can normally be reached on 8:30AM-5:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mr. Jeff Smith can be reached on 571-272-6763. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service

Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Robert M. Pond/  
Primary Examiner, Art Unit 3625  
February 28, 2009